

RECEIVED
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **CENTRAL FAX CENTER**

Applicant: S.A. Kulchin
Application No.: 10/816,070
Filed: March 30, 2004
Title: SOIL NAILING SYSTEM

Attorney Docket No.: KULS122520

Group Art Unit: 3673

Examiner: J.S. Lee

APR 19 2005

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

TO THE COMMISSIONER FOR PATENTS:

Stephen A. Kulchin, residing at 7507 - 245th Way N.E., Redmond, Washington 98053, represents that he is the owner of the entire right, title, and interest in the above-identified patent application.

The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,796,745, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to prior U.S. Patent No. 6,796,745, this agreement to run with any patent granted on said above-identified application and to be binding upon the grantee, its successors, or assigns.

The owner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,796,745 in the event that said prior U.S. Patent No. 6,796,745 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

04/21/2005 EKEY11 00000002 031740 10816070

01 FC:2014 65.00 DA

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS™
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

-1-

KULS122520US1A.DOC

PAGE 10/11 * RCVD AT 4/19/2005 12:33:40 PM (Eastern Daylight Time) * SVR:USPTO-EFXRF-1/2 * DNIS:8729306 * CSID: * DURATION (mm:ss):02:48

APR. 19. 2005 9:40AM

CHRISTENSEN OCONNOR

10.4325 P. 11

Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Stephen A. Kulchin

[Signature]

Name: Lee E. Johnson
Registration No. 22,946
Attorney of Record

~~4/18/05~~

Date

LEJ:mmw

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS™
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

-2-